

Annual Fair

of the
WOMEN'S GUILD OF ST. CLEMENTS'
Saturday, Dec. 3, 1904
AFTERNOON AND EVENING.

Gates open at 2 p. m. and at 7:30 p. m.

ON THE LAWN OF THE RESIDENCE OF T. MAY, ESQ., Kinau and Pensacola streets.

Band in attendance.

Admission 25c. Children 10c.

CHINESE FAIR

to be given

Saturday, Dec. 17, 1904.

From

11 a. m. to 9 p. m.

at the residence of

MR. AND MRS. W. M. GRAHAM for the benefit of

St. Peter's Parish

Given under the auspices of the Church Parish assisted by their fellow churchmen.

Admission 25c.

Children under 14 10c.

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NOTICE

The undersigned hereby notifies the public that he is the sole and original owner of trade mark "Bromo Pop" for headache and tired feeling. Any person using this mark or purporting to be the manufacturer of same will be prosecuted according to law.

ARCTIC SODA WORKS,
M. R. De Sa.
Honolulu, T. H., Sept. 7th, 1904. 6892

MASSACHUSETTS LAW SETS MAHAULU FREE

On a Possibility That Money Paid Him Might Have Reached the Treasury the Jury Finds Him Not Guilty.

After a trial lasting eleven days, Stephen Mahaulu was found "not guilty on both counts," under an indictment charging him with embezzling the respective sums of \$925 and \$4500 from the Territory of Hawaii while he held the offices of chief clerk and district sub-agent in the Department of Public Lands.

The jury was out precisely ten minutes considering its verdict, which was rendered a few moments before noon yesterday.

ADDRESS FOR DEFENSE.

Mr. Thompson had taken thirty minutes in his closing address to the jury. He informed the jurors that the court would instruct them that the entering of a payment on one account to cover a shortage on another account was not embezzlement if the money paid ultimately reached the Treasury. Stress was laid on the omission by the prosecution to produce the Treasury deposit slip for a deposit of \$1400 representing land sales which Mahaulu said contained the \$925 paid by Mary E. Clark. Mr. Thompson acknowledged the rotten state of affairs in the Land Office and Mahaulu's implication therein, but urged on the jury that the defendant was not on trial for conspiracy or "ungentlemanly conduct," or anything but embezzlement. He bestowed considerable rhetoric on a description of the character of former Land Commissioner Boyd, instancing an afterthought that came to Boyd in the jail yard at recess, the day he testified, which induced him to change his testimony of the morning in the afternoon because he feared it "would let Mahaulu out." It was contended that the crime of embezzlement had not been proved against the defendant on either count, and the jurors were warned on their oath against gratifying a thirst of some people for filling the prison for the sake of their own political preference. Mr. Thompson was glad that the prosecution had exercised its prerogative in weeding native Hawaiians out of the jury, so that all race prejudice was eliminated from their deliberations and the issue left with a straight American jury.

ADDRESS FOR PROSECUTION.

Deputy Attorney General Prosser for the Territory occupied a scant twenty minutes in his closing address for the Territory. At the outset he said one could generally tell early in a criminal trial what line of defense was to be taken. In this case the trial had not proceeded three hours until it was clear that the defendant's sole reliance was upon technical objections. By far the greater portion of the eleven days of the trial was taken up with the discussion of the defendant's objections on law points, all of which might have been disposed of in five minutes. Mr. Prosser was saying to the jury that when Mahaulu, as he had admitted, took \$4500 of the Territory's money to cover a defalcation of E. S. Boyd's he committed embezzlement just the same as if he used the money to pay Boyd's water rates or his wine bill.

THE COURT OFFENDED.

Judge Gear here interrupted the Deputy Attorney General, telling him he had no right to make a statement of law to the jury which was contrary to the intended instructions of the court as made known to counsel in the absence of the jury.

Mr. Prosser remarked that Mr. Thompson had addressed the jury on that point and, being informed that his course was improper, turned to the jury with the remark:

"Having received a polite jolt from the court, I have no more to say on this subject."

Judge Gear asked him what was the remark he had made about the court and when it was repeated to him stated that the language was improper and would not be allowed. Mr. Prosser disclaimed any intention of disrespect and Judge Gear instructed the jury to disregard entirely the statements bearing on the law of the case which the Deputy Attorney General had just made.

STRAIGHT CASE ARGUED.

Mr. Prosser then concluded his address without further interruption. He showed the cash book where Mahaulu had marked the item "\$935.37" as the deposit containing the \$925 Clark money and, dwelling a little on Mahaulu's admitted false swearing, urged that a clear case of embezzlement was made out. It was time something was done to stop the stealing of public money. The jurors were taxpayers as Mr. Thompson himself was, but defendant's counsel was perhaps the only one who was not kicking, as he was going to get some of the stolen money back. Mr. Thompson laughed with the rest of the audience at this pleasantry.

MASSACHUSETTS LAW GOES.

The court's instructions to the jury were lengthy, taking thirty-five minutes to deliver. They contained the law of the Massachusetts decision cited by the defense, in preference to that of the Iowa decision cited by the prosecution, to the effect that misappropriations of money to cover up embezzlements were not in themselves embezzlements.

MORE INDICTMENTS.

There are three more indictments

pending against Stephen Mahaulu for embezzlement of public money. These, it is learned, will be prosecuted to the end.

THE JURY'S VERDICT.

On the first ballot after returning the jury stood nine to three for acquittal. The dissentient minority at once threw up the case, one reason being a general sentiment among the jurors that Boyd had got all of the stolen money.

One of the jurors, in explaining the verdict to an inquiring citizen, stated that it was based on the evidence that the \$925 paid by Mrs. Clark was deposited in the Treasury, being part of a deposit of \$1400 as "land revenue" on June 30, 1902. This evidence was only given on the spur of the moment, by Mahaulu when confronted with proof over his own signature that his previous testimony was false wherein, repeatedly, he swore that the Clark money was included in a deposit of \$935.37. The deposit slip of \$1400 is not itemized and the Clark payment was not traced beyond Mahaulu's hands in any credible evidence presented to the jury.

THE TWELVE MEN.

The jury that acquitted Mahaulu consisted of G. D. Mahone, C. J. Ludwigsen, J. J. Dias, J. F. Soper, F. H. Armstrong, C. P. Dwyer, H. A. Parmelee, F. J. Dutra, Jessin Andrade, C. F. Merrifield, H. P. Roth and E. J. Stone.

JURORS ARE REFRESHED.

On leaving the court-room attorney Thompson was congratulated by a number of the jurors. He returned his thanks. "Well, gentlemen, I suppose it's up to me to say, What's your poison?" he asked jocularly. Somebody suggested that it be a lunch at the Grill. On the way across Palace Square one of the jurors thought that lunch would be better at the Elite.

"We ought to patronize home industry," he said, "and go to the Elite, for Charley Ludwigsen is one of the jury" (Mr. Ludwigsen is a part owner in the Elite).

So it was settled and most of the jurors accompanied Mr. Thompson to the Elite.

On the way one juror was heard to remark:

"Well, this will teach Governor Carter—and a breath of wind blew away the rest of his remark."

CLOSE RACE IN PROSPECT BETWEEN GRAND JURIES

The Federal grand jury will meet on Monday, and take up at once the matter of the alleged irregularities in the last election. The Territorial grand jury will reassemble on the same day, and that body also will continue with its election investigation, and probably will take up the balance of the week examining election officers. Indeed, the election officers will be about the busiest men in Honolulu, hopping from one jury to the other.

It is anticipated about the government buildings that the race between the two juries will be close and interesting.

YOUNG NATIVES RAISE \$5,000 ON A MAUI KULEANA

Pretended to be Rich Stockraisers and Only Had Two Cows on a Little Lot—San Francisco Capitalist Fooled.

High finance doesn't need to have the Wall Street hall-mark upon it to make it a "go," for even a man from the Hawaiian Islands can easily work the game, as instanced in a story which has just come to light.

Two young Hawaiians visited San Francisco about a year ago. They wore Panama hats, fine clothes and looked like tropical princes, and of course, every man from Hawaii who looks well-to-do is called a millionaire sugar planter on the mainland.

These two Hawaiians met a prominent San Francisco business man. Their social relations were such as to make the trio very companionable. The visitors from the Paradise of the Pacific incidentally told of their cattle ranches, leaseholds and property in these islands, and then one day they were a little short of cash. Oh! no, they had property to offset any loans. About \$5,000 would be ample.

So a lien on a cattle ranch on Maui went to the business man of San Francisco in the form of a mortgage, and the \$5,000 went into the pockets of the Hawaiians. That ended the first chapter. The other chapters cover a time of obscurity during which time neither the business man nor the Hawaiians met.

The final chapter opened the other day in the law office of a Honolulu attorney. He had just received in the mail from San Francisco the mortgage for the cattle ranch and a letter from the San Francisco business man to foreclose on his Hawaiian friends. The attorney began an investigation and the "cattle ranch" turns out to be a small kuleana on Maui and the stock consists of two old cows.

A SILLY SAYING.

"It is a common but silly opinion prevailing among a certain class of people that the worse a remedy tastes, smells or hurts, the more efficacious it is." So says a well-known English physician. He further adds: "For example, let us consider cod liver oil. As it is extracted from the fish this oil is so offensive to the taste and smell that many cannot use it at all, no matter how badly they need it. Yet cod liver oil is one of the most valuable drugs in the world and it is the greatest pity that we have not thus far been able to free it from those peculiarities which so seriously interfere with its usefulness." This was written years ago; the work of civilizing and redeeming it has since been triumphantly accomplished; and as a leading ingredient in the remedy called

WAMPOLE'S PREPARATION the oil retains all its wonderful curative properties with no bad smell or taste whatever. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and Extracts of Malt and Wild Cherry; creating a medicine of unequalled power for the diseases most prevalent and fatal among men, women and children. There is no other remedy to compare with it. It increases the digestive power of the stomach and in Blood Impurities, Throat and Lung Troubles, Nervous Dyspepsia and Scrofulous Affections, it gives quick and certain relief and cure. Dr. G. C. Shannon, of Canada, says: "I shall continue its use with, I am sure, great advantage to my patients and satisfaction to myself." Has all the virtues of cod liver oil; none of its faults. You may trust it fully; it cannot disappoint you. At all chemists.

NEWS NOTES FROM THE RAINY CITY

The Hilo Board of Trade has accepted the offer of the Hawaii Mill Company of six acres of land about Rainbow Falls for use as a public park, and the land will be turned over to the Park Board. The land is under lease from John T. Baker for \$3 per acre for seventeen years, which is the time the lease runs, and this rental will be paid for the park. At the end of that time the government will be asked to donate the land for public use. A roadway will be immediately constructed from the main road into the park site, and arrangements made for platting the ground.

Captains of ships plying to the port of Hilo from the Coast have been discovered carrying on retail trade in produce in opposition to the local merchants, it is said, and the Board of Trade has taken up the matter.

The Hilo grand jury found ten true bills for various crimes, and charged that the Jury Commission is not to blame for the present mixed condition of legal affairs on the big island, the fault being with the instructions issued to the commission by the late lamented Judge Little.

A Hilo lap of the name of Yamasaki is under arrest charged with the murder of Kiyota Yoshihachi, a fellow countryman. The men had quarreled over the affections of a Japanese woman.

Now is the Time To Buy Pretty Goods

Dainty pretty materials are in profusion now and all at prices that appeal to the pocket books of the most economical buyers.

India Linon, 10 yard pieces.....75 cts.
India Linon, width 30 inches.....12 1-2 cts. a yard.
India Linon, extra fine.....15 cts. a yard.
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Figured Lawn, new patterns.....10 cts. a yard.

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